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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,730	10/26/2001	Junichi Fujimori	393032028700	7708
25224	7590	09/28/2005	EXAMINER	
MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024			DAVIS, CYNTHIA L	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,730

Applicant(s)

FUJIMORI, JUNICHI

Examiner

Cynthia L. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date 1, 3, 4, 5, and 20.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 and 16-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Auerbach.

Regarding claim 1, a group setting section that selects one or more nodes from among a plurality of nodes connected to a communication network and classifies the selected nodes as one node group is disclosed in Auerbach, column 3, lines 1-4 (the tree leader creates the group). A registration section that, in association with each of the nodes classified as the one node registers group identification information for identifying the node group is disclosed in column 5, lines 45-48 (the tree address is registered for each group). The group identification information can be used to identify nodes constituting a node group that should at least commonly receive data is disclosed in column 3, line 8 (multicast information may be sent to the tree).

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Regarding claim 2, said group setting section selects a plurality of nodes and establishes a new node group composed of the selected nodes is disclosed in Auerbach, column 3, lines 1-4 (the tree leader creates the group).

Regarding claim 3, said group setting section performs selection operation to change an organization of nodes in a node group selected from among one or more node groups existing on said communication network is disclosed in column 3, lines 21-26 (users may join or leave the set).

Regarding claim 4, said communication control apparatus is included in a given node connected to said communication network, said group setting section selects, from among one or more node groups existing on said communication network, a node group to which the given node should belong, and said registration section includes a memory that is used to store the group identification information in the given node to store the group identification information is disclosed in column 5, lines 45-48 (the tree address is stored in each link of the tree in the nodes).

Regarding claim 5, an input section that performs an input operation for giving a group name to a newly-set node group or giving a new group name to an existing node group to replace a current group name of the existing node group, and wherein the group name given via said input section is registered as the group identification information is disclosed in column 5, lines 43-43 (the tree address is assigned for each new tree).

Regarding claim 6, the group identification information is imparted to data to be transmitted via said communication network, to thereby allow the data to be transmitted

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to a plurality of nodes of a same node group is disclosed in column 3, line 8 (multicast information may be sent to the tree).

Regarding claim 7, each of the nodes includes a plurality of types of data-inputting or data-outputting plugs, said group setting section is capable of setting a node group for each of the types of the plugs included in each of the nodes, and said registration section registers the group identification information of the node group having been set for each of the types of the plugs included in each of the nodes is disclosed in figure 4 (showing various inputs and outputs on each node) and column 11, lines 10-19 (the interfaces, or input/outputs between the various nodes, may register with different trees).

Regarding claim 8, each of the nodes includes a plurality of data- inputting or data-outputting plugs, said group setting section is capable of setting a node group for each of the plugs included in each of the nodes, and said registration section registers the group identification information of the node group having been set for each of the plugs included in each of the nodes is disclosed in figure 4 (showing various inputs and outputs on each node) and column 11, lines 10-19 (the interfaces, or input/outputs between the various nodes, may register with different trees).

Regarding claim 9, a storage section storing group identification information of a node group to which the given node belongs is disclosed in column 5, lines 45-48 (the tree address is stored in each link of the tree in the nodes). A transmitter that, when data is to be transmitted to said communication network transmits the data with group

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identification information imparted to the data is disclosed in column 3, line 8 (multicast information may be sent to the tree).

Regarding claim 10, a storage section storing group identification information of a node group to which the given node belongs is disclosed in column 5, lines 45-48 (the tree address is stored in each link of the tree in the nodes). A receiver that receives data via said communication network data to be transmitted via said communication network being imparted with group identification information indicative of a node group to which a node to receive the data belongs to, said receiver receiving the data on condition that the group identification information imparted to the data transmitted via said communication network matches with the group identification information, of the node group to which the given node belongs stored in said storage section is disclosed in column 3, line 8 (multicast information may be sent to the tree address, the multicast information would be received by the various nodes in the tree).

Regarding claim 11, a classification section that classifies a plurality of nodes connected to said communication network into any of one or a plurality of node groups; a selector that selects a given node as a node of a particular function; and a control section that performs control such that there exists only one node of the particular function per node group is disclosed in column 3, lines 1-4, of Auerbach (the nodes are divided up into trees) and column 5, lines 21-28 (each tree has one tree leader).

Regarding claim 12, a selector that selects the given node as a node of a particular function; and a control section that, when the given node is selected via said selector as the node of the particular function cancels the particular function having so

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far been allocated to another node in such a manner that only one node of the particular function exists in a node group to which the given node belongs is disclosed in column 3, lines 1-4, of Auerbach (the nodes are divided up into trees) and column 5, lines 21-28 (each tree has one tree leader).

Regarding claim 13, a selector that selects the given node as a node of a particular function; and a control section that, when the given node is selected via said selector as the node of the particular function, controls the given node to communicate with another node on said communication network using as identification information of the given node a predetermined name representative of the particular function belongs is disclosed in column 3, lines 1-4, of Auerbach (the nodes are divided up into trees), and column 5, lines 21-28 and 43-53 (each tree has one tree leader, which communicates with the other nodes as the leader).

Regarding claim 14, a control section that when communication is to be performed between the given node and another node of a particular function via said communication network performs control such that the given node communicates with the other node after the given node identifies a node possessing a predetermined name representative of the particular function to be the node of the particular function is disclosed in column 5, lines 43-53 of Auerbach (the tree leader communicates with the other identified nodes using function-specific messages).

Regarding claim 16, a step of selecting one or more nodes from among a plurality of nodes connected to a communication network and classifying the selected nodes as one node group is disclosed in Auerbach, column 3, lines 1-4 (the tree leader

creates the group). A step of in association with each of the nodes classified as the one node, registering group identification information for identifying the node group is disclosed in column 5, lines 45-48 (the tree address is registered for each group). A step of, on the basis of the group identification information, identifying nodes constituting a node group that should at least commonly receive data is disclosed in column 3, line 8 (multicast information may be sent to the tree).

Regarding claim 17, a step of storing group identification information of a node group to which the given node belongs is disclosed in column 5, lines 45-48 (the tree address is stored in each link of the tree in the nodes). A step of when data is to be transmitted to said communication network, transmitting the data with group identification information, stored by said step of storing, imparted to the data is disclosed in column 3, line 8 (multicast information may be sent to the tree).

Regarding claim 18, a step of storing group identification information of a node group to which the given node belongs is disclosed in column 5, lines 45-48 (the tree address is stored in each link of the tree in the nodes). A step of receiving data via said communication network, data to be transmitted via said communication network group being imparted with group identification information indicative of a node group to which a node to receive the data belongs to said receiver receiving the data on condition that the group identification information imparted to the data transmitted via said communication network matches with the group identification information, of the node group to which the given node belongs, stored by said step of storing is disclosed in

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column 3, line 8 (multicast information may be sent to the tree address, the multicast information would be received by the various nodes in the tree).

Regarding claim 19, a step of selecting the given node as a node of a particular function; and a step of, when the given node is selected via said step of selecting as the node of the particular function, canceling the particular function having so far been allocated to another node in such a manner that only one node of the particular function exists in a node group to which the given node belongs is disclosed in column 5, lines 19-28 (each tree has only one tree leader so as to avoid loops).

Regarding claim 20, a step of selecting the given node as a node of a particular function; and a step of, when the given node is selected via said step of selecting as the node of the particular function, controlling the given node to communicate with another node on said communication network using, as identification information of the given node, a predetermined name representative of the particular function is disclosed in column 3, lines 1-4, of Auerbach (the nodes are divided up into trees), and column 5, lines 21-28 and 43-53 (each tree has one tree leader, which communicates with the other nodes as the leader).

Regarding claim 21, when communication is to be performed between the given node and another node of a particular function via said communication network. performing control such that the given node communicates with the other node after the given node identifies a node possessing a predetermined name representative of the particular function to be the node of the particular function is disclosed in column 5, lines

43-53 of Auerbach (the tree leader communicates with the other identified nodes using function-specific messages).

Regarding claim 22, a computer program comprising computer program code means for performing all the steps of claim 16 when said program is run on a computer is disclosed in Auerbach, column 2, lines 54-59.

Regarding claim 23, a computer program comprising computer program code means for performing all the steps of claim when said program is run on a computer is disclosed in Auerbach, column 2, lines 54-59.

Regarding claim 24, a computer program comprising computer program code means for performing all the steps of claim 18 when said program is run on a computer is disclosed in Auerbach, column 2, lines 54-59.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach in view of Mullaney.

Regarding claim 15, the particular function is a function of a word clock master is missing from Auerbach. However, master word clock is disclosed in Mullaney, column 10, lines 4-8. It would have been obvious to one skilled in the art at the time of the invention to have the tree leader of Auerbach act as a master word clock as is disclosed

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in Mullaney. The motivation would be to have the word boundaries be synchronous in the transmission (Mullaney, column 10, lines 5-8).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L. Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600